

NOTICE OF EMERGENCY RULE PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE NUMBER AND TITLE: DMR Regulation 95.04-E3, Closed Area No. 52-F, Birch Harbor, Gouldsboro.

TEXT OF RULE: DMR Regulation 95.04 E3, Closed Area No. 52-F, Birch Harbor, Gouldsboro.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters and mussels from all shores, flats and waters of Birch Harbor, Gouldsboro, inside (northwesterly) of a line drawn across the mouth of said harbor. This line begins at the most southeastern tip of Prospect Point and runs SSW about 2,000 feet to an unnamed point on the south side of the mouth of Birch Harbor.

A. EXCEPTION: From February 1 through June 30 harvesting will be permitted southeast of a line beginning at an unnamed point on the SE shore of Birch Harbor (this unnamed point is located about 1800 feet SSE of the Route 186 bridge at the head of the harbor) and running in a northerly direction to another unnamed point on the north shore (this point is situated about 1400 feet SE of the Route 186 bridge).

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. 6204).

EFFECTIVE DATE: February 11, 1991


AGENCY CONTACT PERSON: Robert D. Lewis
Department of Marine Resources
State House Station #21
Augusta, ME 04333

BANGOR DAILY NEWS
February 14, 1991

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources adopts this emergency rule to prevent the taking of clams, quahogs, oysters and mussels from the shores, flats and waters of Birch Harbor.

Department personnel have sampled and surveyed this area and determined that the western end must remain closed year round and that the remainder of the harbor must be closed from July 1 through January 31 to protect the public health. That portion of the harbor lying east of a line (located about 500 yards SE of the head of the harbor and running north-south across the harbor) will be open to shellfish harvesting from February 1 through June 30.


E. PENN ESTABROOK
Deputy Commissioner

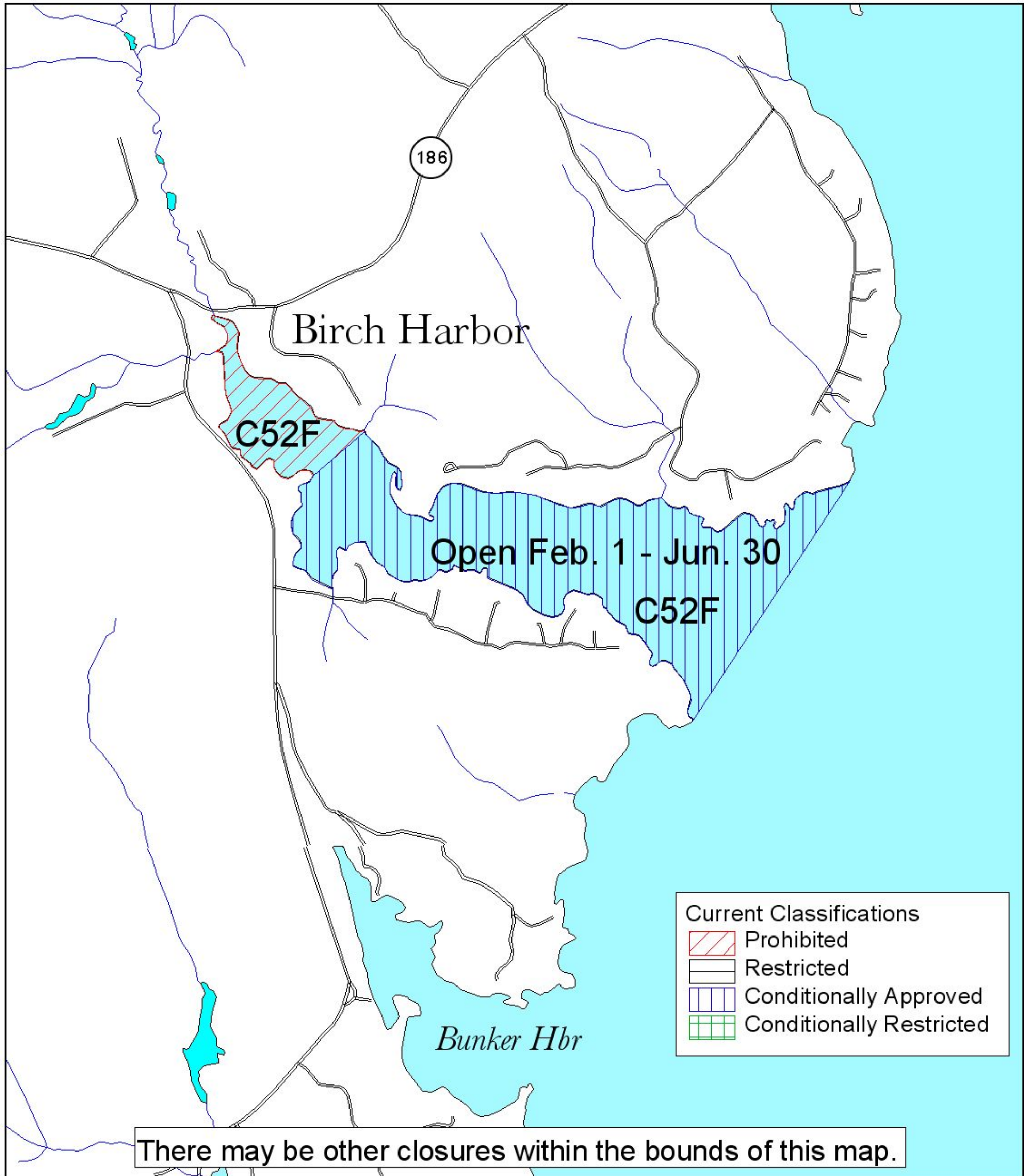


Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

For: Gouldsboro

C52F - Birch Harbor, Gouldsboro 2/11/91



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